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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,317	01/21/2004	Kazuyoshi Ishii	03500.017844	1543

5514 7590 03/01/2007
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EXAMINER

DINH, TAN X

ART UNIT PAPER NUMBER

2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/760,317	Applicant(s) ISHII ET AL.	
	Examiner TAN X. DINH	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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1) Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

2) The I.D.S filed 03/05/2004 has been considered by the Examiner. However, the Japan and/or foreign document(s), if they have not been written in English, are considered to the extent that could be understood from the English Abstract and the drawings.

Form PTO-1449 or PTO/SB/08 is(are) attached herein.

3) The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested:

MAGNETO-OPTICAL HEAD SUPPORT STRUCTURES.

4) The drawings are objected to because *figures 6,7A,7B and 8* should be designated by a legend such as --PRIOR ART-- since only that which is old is illustrated. See MPEP § 608.02(g).

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

The replacement sheet(s) should be labeled " REPLACEMENT SHEET " in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures.

If the changes are not accepted by the Examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

6) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7) (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8) Claims 1,2,4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant Prior Art (figures 6, 7A,7B and 8).

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The applicant prior art (figures 6, 7A, 7B and 8) discloses a magnetic head support mechanism as claimed in claim 1, comprising:

a magnetic head (Fig. 7A, magnetic head 30);

gimbals for electrically connecting to the magnetic head, the gimbals forming a current supply path (Fig. 7A, gimbals Ga & Gb);

a suspension for holding the gimbals, the suspension being made of a member having rigidity higher than that of the gimbals wherein the suspension performs load (press)/unload (retract) operation of the magnetic head on a recording medium by elastic deformation of the suspension (Fig. 7A, Sa, Sb).

As to claim 2, the applicant prior art shows the suspension is formed by a plate member thicker than the gimbals (Fig. 7B, suspension Sa).

As to claim 4, the applicant prior art shows the gimbals is made of a copper alloy (figure 7A, the gimbals Ga and Gb is the same material with support members 34a and 34b).

As to claim 5, the applicant prior art shows suspension is made of stainless steel or spring steel (Fig. 7A, the material of suspension Sa and Sb is the same as holding substrate 37. See specification, page 3, lines 25-27).

As to claim 6, the applicant prior art shows an optical head in figure 6, optical head 25.

9) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11) Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Prior Art (figures 6, 7A, 7B and 8).

The applicant prior art (figures 6, 7A, 7B and 8) discloses all the subject matter as claimed in claim 3, except to

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specifically show that the suspension does not form current supply path to the magnetic head. It would have been obvious matter of design choice to modify the magnetic head structure as claimed since the suspension of applicant's prior art (figures 6, 7A, 7B and 8) could be made in any desirable sizes, shapes, configurations and/or arrangements in order to perform its functions during loading and unloading processes.

12) Claims 1 and 6 are further rejected under 35 U.S.C. 102(e) as being anticipated by ISHII et al (6,909,673).

ISHII et al discloses a magnetic head support mechanism as claimed in claim 1, comprising:

a magnetic head (Fig.4, magnetic head 7);

gimbals for electrically connecting to the magnetic head, the gimbals forming a current supply path (Fig.4, gimbals 5);

a suspension for holding the gimbals, the suspension being made of a member having rigidity higher than that of the gimbals wherein the suspension performs load (press)/unload (retract) operation of the magnetic head on a recording medium by elastic deformation of the suspension (Fig.4, suspension 4).

As to claim 6, ISHII et al shows an optical head in figure 4, 14).

13) Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over ISHII et al (6,909,673).

Claim 3 is rejected with the same reasons set forth above.

14) Claims 1 and 6 are further rejected under 35 U.S.C. 102(b) as being anticipated by MURAKAMI et al (6,091,673).

MURAKAMI et al discloses a magnetic head support mechanism as claimed in claim 1, comprising:

a magnetic head (Fig.1, magnetic head contains coil 4);
gimbals for electrically connecting to the magnetic head, the gimbals forming a current supply path (Fig.1, gimbals 12);
a suspension for holding the gimbals, the suspension being made of a member having rigidity higher than that of the gimbals wherein the suspension performs load (press)/unload (retract) operation of the magnetic head on a recording medium by elastic deformation of the suspension (Fig.1, suspension 13).

As to claim 6, MURAKAMI et al shows an optical head in figure 1, optical head 1).

15) Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over MURAKAMI et al (6,091,673).

Claim 3 is rejected with the same reasons set forth above.

16) Claims 1 and 6 are further rejected under 35 U.S.C. 102(b) as being anticipated by HARADA et al (5,644,554).

HARADA et al discloses a magnetic head support mechanism as claimed in claim 1, comprising:

a magnetic head (Fig.4B, magnetic head 8);

gimbals for electrically connecting to the magnetic head, the gimbals forming a current supply path (Fig.4B, the section connected to magnetic head 8);

a suspension for holding the gimbals, the suspension being made of a member having rigidity higher than that of the gimbals wherein the suspension performs load (press)/unload (retract) operation of the magnetic head on a recording medium by elastic deformation of the suspension (Fig.4B, suspension 13, 27).

As to claim 6, HARADA et al shows an optical head in figure 1, optical head 7).

17) Claim 3 is rejected with the same reasons set forth above.

18) Claims 1 and 6 are further rejected under 35 U.S.C. 102(b) as being anticipated by WATANABE et al (6,404,705).

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WATANABE et al discloses a magnetic head support mechanism as claimed in claim 1, comprising:

a magnetic head (Fig.1A, magnetic head 4);

gimbals for electrically connecting to the magnetic head, the gimbals forming a current supply path (Fig.1A, 5);

a suspension for holding the gimbals, the suspension being made of a member having rigidity higher than that of the gimbals wherein the suspension performs load (press)/unload (retract) operation of the magnetic head on a recording medium by elastic deformation of the suspension (Fig.1A, suspension 11).

As to claim 6, WATANABE et al shows an optical head in figure 1A, optical head 1a).

19) Claim 3 is rejected with the same reasons set forth above.

20) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant is reminded that in amending in response to a rejection of claims (if the rejection involves with any applicable arts), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the

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objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

Form PTO-892 is attached herein.

21) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN XUAN DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY to FRIDAY from 8:00AM to 5:30PM.

The FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER

February 27, 2007